

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

D.L.; K.S.F.; and K.B., by and through  
her parent and next friend H.B.,

Case No. 22-cv-00838-RJJ-PJG

Plaintiffs,

Hon. Robert J. Jonker

v.

Mag. Phillip J. Green

MICHIGAN DEPARTMENT OF  
EDUCATION,

**STIPULATION AND ORDER TO  
MODIFY CASE MANAGEMENT  
ORDER**

Defendant.

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## **STIPULATION AND ORDER TO MODIFY CASE MANAGEMENT ORDER**

The parties stipulate to modify the Case Management Order, as follows:

1. On March 31, 2023, the Court issued its first case management order, setting the deadline for completion of discovery as January 15, 2024, and requiring the parties to engage in Alternative Dispute Resolution (ADR) by that same date. ECF No. 17.
2. On April 11, 2023, the parties issued notice to the Court that they had conferred and selected Lee T. Silver (P36905) to mediate this matter. ECF No. 21.
3. On September 8, 2023, the Court issued an order adjourning both the deadlines for the completion of discovery and the date by which ADR must take place from January 15, 2024 to April 15, 2024. ECF No. 40.
4. On January 22, 2024, the Court issued an order adjourning the deadlines for completion of discovery to June 21, 2024, responding party expert reports were set to April 15, 2024, and the ADR deadline was to be set after the second Rule 16 conference. ECF No. 47.
5. The parties were scheduled to mediate their dispute with Mr. Silver on March 28, 2024.
6. Upon Defendant's request, Plaintiffs submitted a demand to Defendant prior to mediation to facilitate a more productive session. After reviewing the demand, it is apparent that Defendant's experts should issue their reports prior to mediation. However, Defendant's experts require copies of the transcripts of Plaintiffs' depositions. Defendant took the deposition of Plaintiff

K.B.'s next of friend, H.B. on March 1, 2024, and Donquarion Lewis' deposition was taken on March 5, 2024. The transcripts are not yet finalized and/or available. The Deposition of Plaintiff Ke'Aujanna Shepherd-Friday was rescheduled from March 4, 2024 to March 26, 2024 due to Plaintiff Shepherd-Friday's recent hospitalization.

7. Therefore, the parties request that the Disclosure of Expert Reports (Rule 26(a)(2)(B)) be moved from April 15, 2024 to May 15, 2024. And the rebuttal deadline be moved from April 30, 2024 to June 15, 2024.

8. The parties also request that the June 21, 2024 deadline be adjusted to apply to written discovery only, and that a deadline for any depositions and expert discovery be set for July 21, 2024.

9. The parties will set a new mediation date for a date after the second Rule 16 conference scheduled for June 24, 2024.

10. The parties further request an extension of the remaining case management order dates, to be determined following the mediation, if necessary.

11. Fed. R. Civ. P. 16(b)(4) states that the Court's Scheduling Order "may be modified only for good cause and with the judge's consent."

12. Fed. R. Civ. P. 6(b) allows the Court to extend the time contained in the Court's Scheduling Order "with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expire." *See also Prewitt v. Hamline Univ.*, 764 F. App'x 524, 530 (6th Cir. 2019) ("a district court may grant an extension request for 'good cause' when the request is made before expiration of the applicable deadline").

13. The parties are working diligently to comply with the Court deadlines, and have exchanged significant documents in discovery, started conducting depositions, and have begun expert discovery.

14. The extension of time requested will not cause any undue hardship or prejudice to any party.

15. Good cause is shown here as detailed above.

Upon stipulation of the parties, and the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED that the amended case management plan is amended as follows:

Defendant's expert reports due	May 15, 2024
Rebuttal reports due	June 15, 2024
Written discovery closes	June 21, 2024
Depositions and expert discovery close	July 21, 2024
Mediation deadline and dispositive motions due	To be determined by the Court at June 24, 2024 status conference regarding their progress in discovery.

Dated: March \_\_\_\_, 2024

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HON. ROBERT J. JONKER  
United States District Court Judge

Respectfully submitted,

/s/ Mitchell D. Sickon (w/ permission)

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